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8 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION
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11 UNITED STATES OF AMERICA,

CR 07-70574 WDB

12 Plaintiff,

13 v.

**FOURTH STIPULATION TO WAIVE
TIME UNDER THE SPEEDY TRIAL ACT
WITH RESPECT TO PRELIMINARY
HEARING AND FILING OF FURTHER
CHARGING DOCUMENTS**

14 MICHAEL MARTIN, et al.,

15 Defendants.
16 _____/

17 This matter is scheduled for preliminary hearing or
18 arraignment on Tuesday, January 29, 2008, at 10:00 a.m.

19 The parties have previously agreed and so stipulated to
20 waive time for the preliminary hearing in order for counsel to
21 have sufficient time to review the discovery and evaluate the
22 prospect of pre-indictment resolution.

23 On December 20, 2007, counsel for all parties met and
24 conferred. Shortly thereafter, the government circulated a draft
25 version of a proposed plea agreement to each defendant through
26 their respective counsel.

27 The exclusion of additional time is likely to obviate the
28 need to consume judicial and public resources insofar as the

1 parties believe in good faith that resolution is close at hand.

2 In light of the foregoing, all of the defendants agree to
3 waive the necessary additional time pursuant to Fed.R.Crim.P. 5
4 and 18 U.S.C. § 3161, the Speedy Trial Act, such that the pre-
5 liminary hearing be extended to February 26, 2008, at 10:00 a.m.

6 All of the defendants are out of custody on bond. Defen-
7 dants each have consulted with their attorneys and understand
8 that they have the right to a preliminary hearing or that
9 further charging documents be presented and filed with the Court
10 on the day of or before said preliminary hearing. Pursuant to
11 Fed.R.Crim.P. 5.1(d), the defendants knowingly and voluntarily
12 waive their rights to a preliminary hearing on January 29, 2008,
13 and agree to extend the time for preliminary hearing until
14 February 26, 2008.

15 The parties jointly request that the time between January
16 29, 2008, and February 26, 2008, be excluded under the Speedy
17 Trial Clock to allow defendants' counsel to effectively prepare,
18 taking into account the exercise of due diligence. See 18
19 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties
20 agree that the "ends of justice served by the granting of such
21 continuance outweigh the best interests of the public and the
22 defendant[s] in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

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LAW OFFICES

506 BROADWAY
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1 For the foregoing reasons, the parties respectfully request
2 that the matter be continued from January 29, 2008, to February
3 26, 2008, at 10:00 a.m.

4 Dated: January 24, 2008

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6 Joseph P. Russoniello
United States Attorney

7
8 /s/ SHASHI KEWALRAMANI
H.H. (SHASHI) KEWALRAMANI
Assistant United States Attorney
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10

11 /s/ SARA ZALKIN
SARA ZALKIN
12 Attorney for MICHAEL MARTIN

/s/
MICHAEL MARTIN
Defendant

13

14 /s/ RANDOLPH E. DAAR
RANDOLPH E. DAAR
Attorney for JESSICA SANDERS
15

/s/
JESSICA SANDERS
Defendant

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17 /s/ JEROME MATTHEWS
JEROME MATTHEWS
Attorney for MICHAEL ANDERSON

/s/
MICHAEL ANDERSON
Defendant

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19 /s/ TED CASSMAN
TED CASSMAN
LAUREL HEADLEY
20 Attorneys for DIALLO McLINN

/s/
DIALLO McLINN
Defendant

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR 07-70574 WDB

Plaintiff,

[PROPOSED] ORDER GRANTING
FOURTH STIPULATION TO WAIVE
TIME UNDER SPEEDY TRIAL ACT AND
FOR PRELIMINARY HEARING

v.

MICHAEL MARTIN, et al.,

Defendant.

_____ /

Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. §
3161(h)(8), the parties in this matter have filed a Fourth
Stipulation to Waive Time Under the Speedy Trial Act and for
Preliminary Hearing, seeking to waive and extend the time for
the preliminary hearing and to exclude the time between January
29, 2008, through February 26, 2008, from the Speedy Trial
Clock. The stipulation was signed by counsel of record as well
as the defendants such that the defendants are knowingly and
voluntarily waiving their rights to a preliminary hearing on
January 29, 2008, and extending the preliminary hearing until
February 26, 2008.

Good cause appearing therefor,

IT IS HEREBY ORDERED that the period between January 29,
2008, and February 26, 2008, is excluded from the Speedy Trial
Clock to allow counsel to effectively prepare, taking into

1 account the exercise of due diligence. 18 U.S.C. §
2 3161(h)(8)(B)(iv). The Court finds that the "ends of justice
3 served by the granting of such continuance outweigh[s] the best
4 interests of the public and the defendant in a speedy trial."
5 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court finds that
6 the defendants knowingly and voluntarily waived the period
7 between January 29, 2008, and February 26, 2008, such that
8 preliminary hearing is now scheduled for February 26, 2008, at
9 10:00 a.m.

10 Dated:

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13 WAYNE D. BRAZIL, Judge
14 United States District Court
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28 **LAW OFFICES**

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